



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

170695



October 10, 2006

Via Facsimile and Certified Mail
Return Receipt Requested

Edward W. Redfield, General Manager
PetroScience, Inc.
66 Glen Avenue
Glen Rock, New Jersey 07452

Re: VIP Cleaners Site, Morristown, New Jersey

Dear Mr. Redfield:

You have inquired about permit requirements in connection with the installation of a vapor mitigation system at the VIP Cleaners Site at 89 Morris Street, Morristown, New Jersey.

As you know, the U.S. Environmental Protection Agency ("EPA") recently collected air samples from within and beneath the building at 89 Morris Street. The samples were collected as part of an investigation to determine whether structures in the vicinity of 89 Morris Street may be impacted by vapors emanating from groundwater or soil contamination related to operations at the former VIP Cleaners. The investigation is being performed as authorized by the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § 9601 ("CERCLA" or the Superfund Law).

The results obtained from the samples collected from 89 Morris Street identified concentrations of volatile organic compounds that exceeded acceptable health based concentrations in several units that were sampled. Accordingly, Peter Austin, owner of 89 Morris Street, has engaged PetroScience, Inc. to design a vapor mitigation system for the building under EPA oversight. You have asked EPA whether an Air Pollution Control Permit and Certificate ("Air Permit") is required from the New Jersey Department of Environmental Protection ("NJDEP") for the vapor mitigation system.

Section 121 (e)(1) of CERCLA and Section 300.400 (e) of the National Contingency Plan (NCP), 40 C.F.R. §300.400(e)(1), provide that no federal, state, or local permit is required for the portion of any response action conducted entirely on-site under CERCLA. Section 300.400(e)(1) defines "on-site" as the "areal extent of the contamination and all suitable areas in very close proximity to the contamination necessary for implementation of the response action." The 89 Morris Street building is situated on the VIP Cleaners Site. Since the mitigation system is being installed entirely in the building on the VIP Cleaners Site as part of a CERCLA response action, the Air Permit, is not required.

However, the mitigation system must meet the substantive requirements of the Air Permit. Accordingly, once the mitigation system has been installed, EPA advises that you test the subslab vapors released by the mitigation system and evaluate whether any NJDEP permit requirements (e.g., reporting and/or treatment requirements) are necessary. If the contaminant emissions trigger the requirement for an Air Permit, you should comply with those substantive requirements.

Please note that EPA is not authorized to provide legal advice to private parties. The information presented above is intended solely to convey EPA-Region 2's views regarding the permit requirements for the Site and is not given as legal advice. You should consult your own lawyer for legal advice about this matter.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Michael J. van Itallie".

Michael J. van Itallie
Assistant Regional Counsel

cc: Mathew J. O'Donnell, Esq.
Akhil Verma
Andrew Confortini ✓

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Edward W. Redfield, General Manager
PetroScience, Inc.
66 Glen Avenue
Glen Rock, New Jersey 07452

2. Article Number

(Transfer from service label)

7002 2030 0006 5355 0763

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1540

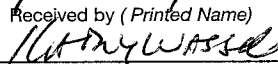
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1. Article Addressed to:

Matthew J. O'Donnell, Esq.
O'DONNELL, McCORD & DeMARZO
15 Mount Kemble Avenue
Morristown, New Jersey 07960

2. Article Number

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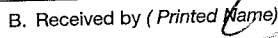
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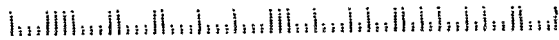
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U.S. Environmental Protection Agency
Region II
Office of Regional Counsel
New Jersey Superfund Branch
290 Broadway, 17th Floor
New York, New York 10007-1868
Attn: *Michael van Itallie*



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